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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,790	01/11/2005	Jun Ueda	Q84218	2432

23373 7590 08/10/2006

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EXAMINER

CHU, DAVID H

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,790	<b>Applicant(s)</b> UEDA, JUN	
	<b>Examiner</b> David H. Chu	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Alspach (“Illustrator 8 Bible”).**

3. Note with respect to claim 1,

4. Alspach teaches:

A drawing tool comprising:

- a) **Drawing canvas** for drawing pattern parts.
- b) A **pattern part window** [palette for shapes, Figure 2-3] for displaying a plurality of the pattern parts being a candidate set for drawing.
- c) A **pointing device** [mouse] for **dragging and dropping** [Drawing Rectangles, step 3] any one, selected from the pattern part window, of the pattern parts.
- d) An **attribute palette** [palette for color, size etc.] having a **plurality** [different attribute selections on palette of Figure 2-3] of attribute display regions for displaying attributes selectively given with respect to the selected pattern part.

- e) An **attribute detection means** [Illustrator 8 inherently detects the selected attribute from the palette for color, size etc.] for detecting in the attribute palette an attribute display region through which the pointing device has passed along a route in which the selected pattern part is dragged and dropped onto the drawing canvas using the pointing device.
  - f) An **attribute hold means** [Illustrator 8 inherently holds the selected attribute in any type of memory to perform the function of said selected attribute] for holding an attribute that is selectively determined corresponding to the detected attribute display region.
  - g) A **drawing means** [Illustrator 8 inherently draws the shape according to the selected attribute] for drawing, by the selected pattern part being dropped onto the drawing canvas, the pattern part having the held attribute.
- (48-51, Drawing Rectangles)

5. Note further, the user is required, after selection shape type, to **drag and drop** to create shapes on the workspace/canvas such as rectangles as taught by Alspach.
6. And further, the user moving the pointing device [mouse] to select/customize an attribute (color/size) and dragging and dropping a shape is the equivalent to **detecting an attribute through which the pointing device has passed along a route in which the selected pattern part is dragged and dropped using the pointing device**, as recited by applicant.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alspach.**

9. Note with respect to claim 2,

10. Alspach does not expressly teach:

A drawing tool as recited in claim 1, wherein the pattern part window is provided on a perimeter portion of the drawing canvas, and the attribute palette is provided inward of the pattern part window in the drawing canvas.

11. However, Alspach teaches customizing the position of various palettes (pg 38-39, Palettes versus Windows)

12. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to position the palette as recited by applicant in claim 2 using Illustrator 8, because this will allow the user convenient access to more frequently used attributes/options.

13. Note with respect to claim 3,

14. Alspach teaches:

A drawing method comprising the steps of:

- a) **Selecting any one of pattern parts** from a pattern part window for displaying a plurality of pattern parts being a candidate set for drawing.
  - b) **Dragging** [Drawing Rectangles, step 3] the pattern part using a pointing device to move the pattern part into a position in which the pattern part is drawn onto drawing canvas,
  - c) **Detecting the attribute display region** [corresponding attribute (size, color, etc.) selected by user among the left-vertical palette, Figure 2-3], and holding an attribute selectively determined corresponding to the detected attribute display region.
  - d) **Drawing** [generated rectangle, Figure 2-3] the pattern part provided with the held attribute by the selected pattern part being moved and dropped into the position where the pattern part is drawn onto the drawing canvas.
- (48-51, Drawing Rectangles)

15. Alspach does not expressly teach:

A drawing method comprising the steps of:

- a) Passing the selected item through any of attribute display regions in an attribute palette having a plurality of the attribute display regions for displaying attributes selectively given with respect to the selected pattern part

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16. However, as discussed above (claim 2), Alspach teaches positioning the attribute palettes to any position the user desires.

17. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to position the palette as recited by applicant using Illustrator 8, because this will allow the user convenient access to more frequently used attributes/options.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-TH 9:00am - 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER